

Message Text

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ORIGIN OES-07

INFO OCT-01 ARA-10 EUR-12 ISO-00 ACDA-12 DOE-11 SOE-02
CIAE-00 INR-10 IO-13 L-03 NSAE-00 EB-08 NRC-05
DODE-00 SS-15 SP-02 CEQ-01 NSCE-00 SSO-00 USIE-00
INRE-00 /112 R

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DOE:K.IZELL

-----111517 220122Z /72

O R 220039Z FEB 78
FM SECSTATE WASHDC
TO AMEMBASSY VIENNA IMMEDIATE
INFO AMEMBASSY LIMA
AMEMBASSY BUENOS AIRES

C O N F I D E N T I A L STATE 044944

USIAEA

E.O. 11652: GDS

TAGS: PARM, IAEA, TECH, AR, PE

SUBJECT: U.S. FUEL FOR ARGENTINA REACTOR LOAN TO PERU

REF: VIENNA 1597

1. WITH RESPECT TO REQUEST FOR INSTRUCTIONS CONVEYED IN
GABBERT-DEMING TELECON, WE UNDERSTAND REQUEST IS FOR AUTHOR-
IZATION FOR AMBASSADOR SMITH TO PROVIDE ASSURANCES TO AR-
GENTINA DURING BOARD OF GOVERNORS' CONSIDERATION OF PROJECT
AND SUPPLY AGREEMENTS THAT U.S. APPROVAL FOR TRANSFER OF
U.S. ORIGIN FUEL FROM ARGENTINA TO PERU WILL BE GRANTED
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WITHIN 25 DAYS OF RECEIPT OF AN EXECUTED (I.E., SIGNED BY
ARGENTINA AND IAEA) MB-10 FORM BY U.S. DEPARTMENT OF ENERGY.
MB-10 REQUEST WOULD PRESUMABLY BE SUBMITTED TO USG PROMPTLY
AFTER FOUR-PARTY AGREEMENT IS SIGNED.

2. WE REMAIN CONCERNED THAT REQUIREMENTS OF NEW LEGISLATION,
PARTICULARLY WITH REGARD TO (A) COORDINATION AMONG AGENCY

HEADS AND WRITTEN DETERMINATION OF SECRETARY OF ENERGY (THESE FUNCTIONS WILL PROBABLY NOT YET HAVE BEEN DELEGATED, AND WE WOULD BE RETICENT TO USE LESS FORMAL AD HOC PROCEDURE), AND (B) PUBLISHING NOTICE OF PROPOSED TRANSFER IN FEDERAL REGISTER FOR FIFTEEN DAYS COULD DELAY APPROVAL (DESPITE EFFORTS TO SPEED PROCESS) FOR SOME UNSPECIFIED

PERIOD AND THUS DELAY USG ABILITY TO SIGN FOUR-PARTY SUPPLY AGREEMENT. SINCE AGREEMENT CONTAINS US LEGAL COMMITMENT TO APPROVE TRANSFER, PROCESSING MUST BE COMPLETED BEFORE FINAL SIGNATURE AUTHORIZED. SINCE COMMITMENT TO ACT WITHIN 25 DAYS OF RECEIPT OF MB-10 WILL ONLY BE TRIGGERED AFTER SIGNING SUPPLY AGREEMENT, WE SHOULD BE CAUTIOUS ABOUT ANY COMMITMENT RE TIMING OF US SIGNATURE. UPON SIGNATURE OF AGREEMENT WE EXPECT TO BE IN POSITION SIMULTANEOUSLY TO PUBLISH REQUIRED NOTICE IN FEDERAL REGISTER, AND THUS 25 DAY COMMITMENT THAT ONLY STARTS TO RUN THEREAFTER POSES NO PROBLEM. HOWEVER, WE CONSIDER REAL ISSUE TO BE TIMING OF US SIGNATURE OF SUPPLY AGREEMENT. ON THE ASSUMPTION THAT ALL STEPS (SIGNING AND MB-10 APPROVAL) CANNOT BE COMPLETED BEFORE ENACTMENT OF LEGISLATION, WE RECOMMEND THAT ANY ASSURANCES CONCERNING WHEN USG WILL BE PREPARED TO SIGN AGREEMENT BE QUALIFIED TO SOME DEGREE, E.G., "THE UNITED STATES WILL MAKE EVERY EFFORT PROMPTLY TO SIGN THIS AGREEMENT AND THEREAFTER WILL APPROVE THE TRANSFER WITHIN 25 DAYS OF RECEIPT OF AN EXECUTED MB-10 FORM..."

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3. AMBASSADOR SMITH COULD ALSO PROVIDE ADDITIONAL ASSURANCES PRIVATELY TO ARGENTINES EXPLAINING NEED TO QUALIFY HIS STATEMENT TO THE BOARD AND EXPRESSING CONFIDENCE THAT APPROVAL WILL BE GRANTED WITHIN AGREED UPON TIME FRAME. VANCE

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